

# HOUSE BILL REPORT

## ESHB 3089

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**As Passed House:**  
February 13, 2006

**Title:** An act relating to commute trip reduction.

**Brief Description:** Revising commute trip reduction provisions.

**Sponsors:** By House Committee on Transportation (originally sponsored by Representatives Murray, Clibborn, Woods, Simpson and Linville; by request of Department of Transportation).

**Brief History:**

**Committee Activity:**

Transportation: 1/30/06, 2/3/06 [DPS].

**Floor Activity:**

Passed House: 2/13/06, 98-0.

### Brief Summary of Engrossed Substitute Bill

- Modifying the scope of the Commute Trip Reduction (CTR) Program to focus on urban growth areas with the most congested state highways.
- Creating a new CTR Board with expanded duties.
- Allowing local jurisdictions to create growth and transportation efficiency centers to obtain funding and flexibility in implementing programs.
- Expanding the role of the Department of Transportation (DOT) and regional transportation planning organizations (RTPOs) in CTR planning.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 26 members: Representatives Murray, Chair; Wallace, Vice Chair; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton, Campbell, Clibborn, Curtis, Dickerson, Ericksen, Flannigan, Hankins, Holmquist, Hudgins, Jarrett, Kilmer, Lovick, Nixon, Rodne, Sells, Shabro, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

**Staff:** David Bowman (786-7339).

**Background:**

In 1991 the Commute Trip Reduction (CTR) Law was enacted as part of the Washington Clean Air Act. The goals of CTR are to reduce air pollution, traffic congestion, and fuel consumption through employer-based programs that decrease the number of employees traveling by single-occupant vehicles to the work place.

Counties with populations over 150,000, cities within those counties containing a major employer, and major employers are all required to develop and implement CTR programs. The definition of a "major employer" includes any private or public employer that employs 100 or more full-time employees at a single worksite during the regular work day. A county implementing a CTR plan may contract with other organizations, such as the local transit system or Regional Transportation Planning Organization (RTPO), to assist, oversee, and/or implement the program within the county. The Legislature has also stated that it is the policy of the state that agencies aggressively develop substantive programs to reduce commute trips by state employees. To the extent a private or public employer worksite is not otherwise required to participate in a CTR program, voluntary participation is both allowed and encouraged.

Each local jurisdiction must review each major employer's progress and good faith efforts toward meeting commute trip reduction goals at least once per year. At the employer level, major employers are also required to annually review employee commuting and progress toward meeting commute trip reduction goals.

A 28-member CTR Task Force (Task Force) oversees implementation and evaluation of the CTR program. Membership on the Task Force represents broad-based interests. The Task Force consists of the Secretary of the Department of Transportation (DOT), the Director of the Department of Ecology (DOE) or a designee, the Director of the Department of Community, Trade, and Economic Development (CTED) or a designee, the Director of the Department of General Administration (DGA) or a designee, three representatives from counties, three representatives from transit agencies, 12 representatives from major employers in Washington, and three citizens.

Among other duties, the Task Force is charged with establishing guidelines for CTR plans to ensure consistency in plans and goals among jurisdictions; working with jurisdictions and major employers to develop and implement a public awareness campaign designed to increase local CTR program effectiveness; and reviewing and reporting on the progress of CTR plans to the Legislature at specified times, and every two years since 1999. The Task Force is not required to establish or monitor a statewide CTR plan. On December 1, 2005, the Task Force delivered its fifth report to the Legislature. Under its existing statutory authority, the 2005 report is the final report evaluating the CTR program.

Within the DOT budget, funding is provided for the DOT to administer the program, to provide technical assistance to organizations required to implement the program, and to distribute to local jurisdictions and employers to offset some of the implementation costs. The

DOT is not, however, required to establish agency rules governing the implementation of CTR programs at the statewide, county, or local jurisdictional level.

The DGA must coordinate and review CTR plans developed by state agencies that are considered to be major employers. Annually, the DGA must submit a report to the CTR Task Force of progress in attaining applicable commute trip reduction goals.

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### **Summary of Engrossed Substitute Bill:**

The scope of the CTR program is changed to focus on urban growth areas with the most congested state highways. Any county with an urban growth area, each city within an urban growth area containing a state highway segment exceeding "one hundred person hours of delay", as calculated by the DOT, counties and cities located in any contiguous urban growth areas, and certain local jurisdictions that previously adopted a CTR program, must develop CTR plans and ordinances, and submit their plans to the applicable RTPO for regional transportation planning purposes. Additionally, each jurisdiction containing a military base or non-tribal federal reservation employing more than 100 persons for the regular work day, must adopt a CTR plan and ordinance for major employers within the base or reservation. To determine the "person hours" delay threshold, the DOT must calculate, using the best available methodology, the daily person hours of delay per mile during peak hours of 6:00 a.m. to 9:00 a.m. Congested areas where the state is funding solutions to state highway deficiencies to address the congestion are exempt from CTR requirements for two years.

All major employers must make good faith efforts to implement CTR programs. The definition of a "major employer" is clarified to expressly include state agency worksites, and state agency worksites are subject to the same requirements as private employers for developing and submitting a CTR plan to the local jurisdiction for approval, and implementing such a plan. Additionally, institutions of higher education are added to the list of agencies that the Legislature finds, as the policy of the state, must aggressively develop substantive programs to reduce commute trips by state employees. State employees and private sector employees are entitled to collectively bargain CTR issues to the extent these issues were previously mandatory subjects of collective bargaining.

At least once every two years, each local jurisdiction must review each major employer's progress and good faith efforts toward meeting commute trip reduction goals. At the employer level, major employers are required to regularly, but not necessarily annually, review employee commuting and progress toward meeting commute trip reduction goals.

The CTR Task Force is replaced with a 16-member CTR Board (Board) comprised of the Secretary of the DOT, one representative of the Office of the Governor, the Director or director's designee of the DGA, the DOE, and CTED, and the following representatives appointed by the Governor to staggered four-year terms: three from cities and towns or counties, two from transit agencies, two from participating RTPOs, four from major employers or transportation management associations representing employers, and two citizens.

The Board is given expanded duties from those previously required of the Task Force. The Board's primary duty is to create a statewide commute trip reduction plan, with input from appropriate agencies and affected jurisdictions. The Board must evaluate the CTR program plan and recommend changes to it every four years beginning with a first assessment due July 1, 2011. Separately, the Board must review progress toward implementing CTR plans and submit a report to the Legislature and the Governor every two years, beginning on December 1, 2009.

The CTR planning framework includes a larger role for RTPOs. Working with local jurisdictions, an RTPO must adopt a CTR plan for the region, including factors of (a) program goals, (b) strategies, (c) financial plan, (d) measurement of progress, and (e) minimum criteria for growth and efficiency centers. The RTPO is to ensure that the CTR plan is incorporated into transportation demand management components in the regional transportation plan, and is responsible for implementing the CTR plan. The RTPO must submit a progress report annually to the CTR Board.

In developing its CTR plan, a county, city, or town may voluntarily designate growth and transportation efficiency centers and establish its own transportation demand management program in consultation with local transit agencies and the RTPO. A growth and transportation efficiency center is defined as a compact, mixed-use urban area containing jobs or housing and supporting multimodal transportation. Growth and transportation efficiency centers which are certified by the RTPO as meeting minimum criteria are eligible for state funding, as allocated by the CTR Board, to enable these centers to implement CTR programs. The DOT is given additional powers and duties. The DOT is to provide staff support to the CTR Board and technical assistance to the RTPOs and governmental units developing and implementing CTR plans and programs. In place of the guidelines previously required to be established by the Task Force, the DOT must develop and implement agency rules relating to CTR plans, including the following at a minimum:

- guidance criteria for growth and transportation efficiency centers;
- data measurement methods and procedures;
- model CTR ordinances;
- methods for assuring consistent treatment of employers;
- appeals process for employers;
- establish process for determining and listing affected areas;
- establish criteria of eligibility for state funding;
- guidelines and deadlines for local CTR planning;
- guidelines and methods for regional CTR planning;
- methods for RTPO to evaluate and certify designated growth and transportation efficiency center programs; and
- establish statewide program goals.

Both the CTR Board and the DOT receive a portion of the state funds made available for the purposes of this chapter. The CTR Board must allocate program funds to assist RTPOs and local government units implementing CTR plans, and may do so for jurisdictions implementing voluntary CTR programs if based on criteria the CTR Board establishes.

The DGA's powers and duties are modified. The director of the DGA is authorized to coordinate an interagency board (Interagency Board) for the purpose of developing policies or guidelines that promote consistency among state agency CTR programs. An Interagency Board must include representatives from the DOT, the DOE, CTED, and other interested groups. Additionally, the DGA must review annual reports from state agencies implementing CTR plans regarding commute trip reduction progress, and include all such reports in a biennial report submitted by the DGA to the Governor and the Legislature.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** The CTR has been a successful program in reducing single-occupancy trips the single most cost-effective "congestion buster" because of the participation of major employers. This bill gives the CTR program more focus. A targeted program will provide even more cost-effective results and ensure the greatest number of single-occupancy trip reductions in the future. It will also help Washington maximize its investments, many of which are located in the affected areas. For employers, this legislation will improve economic development by focusing on mixed-use areas.

**Testimony Against:** None.

**Persons Testifying:** Representative Murray, prime sponsor; Judy Ginger, Washington State Department of Transportation; Peter Hurley and Ted Horobiowski, Commute Trip Reduction Task Force; Bill Roach, King County Metro; Page Scott, Yakima Valley Conference of Governments; Dennis Eagle, Washington Federation of State Employees; Debbie Driver, Duwamish Transportation Management Association; Leo Bowman, Benton County; Jan Gee, Washington Retail Association and Washington Food Industry; Genesee Adkins, Transportation Choices Coalition; and Kathleen Drew, Governor's Office.

**Persons Signed In To Testify But Not Testifying:** None.